REMARKS

In response to the Office Action mailed on August 11th, 2005, Applicant wishes to enter the following remarks for the Examiner's consideration. Applicant has amended claims 1 and 21. Claims 1-29 and 31-40 are pending in the application.

Rejection of claims under 35 USC §112

Claims 31-36 have been rejected under 35 USC §112 as being indefinite for depending from cancelled claim 30. Applicant respectfully traverses this rejection of the claims. Claim 31 was amended to depend from claim 21 in response to a previous office action. Claim 31 as previously presented is listed above.

Rejection of claims under 35 USC §102

Claims 1-4, 7-9, 14-29, 31-33 and 36-40 have been rejected under 35 USC §102(e) as being anticipated by Grey (Patent No. US 6,401,220). Applicant respectfully traverses this rejection of the claims.

The Grey reference describes a test executive system of type described on page 2, line 16, to page 3, line 9, of the specification for the present invention. In particular, the Grey reference describes a system in which the user is free to create a complete test procedure through definition of the sequence of steps. The present invention provides a means for a user to *modify* a process without requiring the user to understand the complete process. The process itself is determined by the designer of the program.

The user may make variations to the process without the risk of invalidating the process itself. In contrast, in the system of Grey, there are no constraints to prevent a user from defining an invalid process.

In claim 1, the measurement process comprises a sequence of operations controlled by a computer program and the variation points are inserted in the computer program by the designer of the computer program. Thus it is clear that the designer of computer program has defined the measurement process. Column 2, lines 55-60 and column 12, lines 41-53, of the Grey reference describes a test executive via which a *user* may create a measurement process. The test executive itself does not define a measurement process and so is not equivalent to the computer program of claim 1. The test executive is a tool by which a user may define a measurement process. It is the user that generates the test sequence (using sequence editor 212 in Fig. 2). Thus, if any variation is made to the test sequence, the variation is made at points determined by the user. This is in contrast to claim 1, in which the variations points are inserted by the designer of the computer program. The point in the test executive where the user-defined test sequence is called is not equivalent to a variation point, since the test executive is not a computer program defining a measurement process.

Claims 1 and 21 have been amended to clarify that the user is prevented from modifying the (designer-defined) measurement process other than through the user-defined the variation function. The variation points in the program at which variation functions are called may not be inserted by the user. This amendment is supported by the specification on page 4, lines 6-14, and page 14, lines 10-15, for example. Further, the methods for

performing the call-out to the variation function (page 12, line 3 to page 13, line 16, for example) are those used for combining executable codes. Providing the user with executable code rather than source code (page 4, lines 6-14) is one mechanism for preventing the user from invalidating the measurement process.

Applicant submits that this element distinguishes the claims from the Grey reference. In the Grey reference, the user is not prevented from modifying a sequence of steps, even if that sequence of steps were itself generated by another user or developer. This is clarified in column 28, lines 9-36 (and Figure 9), which states that user creates the test sequence, and also in Figure 2, (column 12, lines 55-64) where a sequence editor 212 is provided to allow the user to create, modify and debug sequences.

In light of the foregoing amendment and remarks, Applicant respectfully submits that the Grey reference does not teach, suggest, disclose or otherwise anticipate the recitations of claims 1-4, 7-9, 14-29, 31-33 and 36-40. Applicant thus respectfully requests that this basis of rejection of the claims be withdrawn and that a Notice of Allowance for these claims be mailed at the Examiner's earliest convenience.

Rejection of claims under 35 USC §103(a)

Claims 5, 6, 10-13, 34 and 35 have been rejected under 35 USC §103(a) as being unpatentable over Grey in view of U.S. Patent Application Publication No. 2002/0026514 to Ellis at al. Applicant respectfully traverses this rejection of the claims.

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The Ellis reference discloses a method for facilitating inter-process communication across different platforms and software environments using a multiplicity of object-oriented inter-process communication protocols to the manufacturing equipment. Process control and monitoring is mediated through a set of software methods that may be invoked to implement or monitor processes. The method is concerned with providing communications across different platforms to facilitate centralized. The Ellis reference is concerned with starting and stopping software methods, whereas the present invention is concerned with causing variations to methods. The Simple Object Access Protocol and Common Object Request Broker Architecture, referred to in claims 5 and 6 and claims 34 and 35, were designed specifically for providing communications between software objects or components. However, claims 5 and 6 depend from claim 1 and claims 34 and 35 depend from claim 21. Claims 1 and 21 call for the computer program to contain a variation point at which a function call instruction is inserted by a designer of the computer program to pass control to a user-defined variation function. Further, the user is prevented from modifying the measurement process other than through the user-defined variation function. As described above, this feature is not taught by Grey, nor is it taught by Ellis. Thus even if one were to combine the Grey reference with the Ellis reference, the result would not be the claimed invention of claims 1 and 21 or their dependent claims 5, 6, 34 and 35.

In light of the foregoing remarks, Applicant respectfully submits that the Grey and Ellis references, whether considered alone or in combination fail to teach, disclose, suggest or otherwise render obvious the recitations of claims

5, 6, 34 and 35. Applicant thus respectfully requests that this basis of rejection of the claim be withdrawn and that a Notice of Allowance for claims 5, 6, 34 and 35 be mailed at the Examiner's earliest convenience.

In the examiner interview held between the undersigned, Dr. Eatwell and Examiner West on October 21, 2005, the differences between the Grey reference and the claimed invention were discussed, including distinctions between the claimed "designer" and "user." The foregoing remarks and amendments to the independent claims are consistent with these distinctions.

In light of the foregoing amendments and remarks, applicant submits that all rejections of the pending claims have been overcome. The scope of amended claims 1 and 21 is substantially the same with implicit meaning now made explicit. Allowance of claims 1-29 and 31-40 is therefore respectfully requested at the Examiner's earliest convenience. Although additional arguments could be made for the patentability of each of the claims, such arguments are believed unnecessary in view of the above discussion. The undersigned wishes to make it clear that not making such arguments at this time should not be construed as a concession or admission to any statement in the Office Action.

The examiner is cordially invited to contact the undersigned if there are any questions regarding this application.

Respectfully submitted,

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